

0321.68811

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sailor et al.
Serial No.: 10/583,920
Conf. No.: 5068
Filed: June 20, 2006
For: OPTICALLY ENCODED
PARTICLES, THROUGH POROSITY
VARIATION (as amended)
Art Unit: 1636
Examiner: Janseen, Shannon L.

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED
PRIORITY CLAIM UNDER 37 C.F.R. 1.78(a)(3)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully petition for acceptance of a priority claim for the above-identified application to prior-filed copending U.S. nonprovisional App. Ser. No. 10/503,217, filed August 2, 2004. The prior-filed App. Ser. No. 10/503,217 was filed as a §371 of PCT/US03/03040, filed January 31, 2003, and claims priority benefits under 35 U.S.C. §§ 119 & 365 on the basis of Provisional Patent Application No. 60/355,234, filed February 7, 2002.

This petition is accompanied by:

(1) The reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2) to the prior-filed copending nonprovisional application, through an amendment to the specification submitted in Amendment D, filed herewith;

(2) The surcharge set forth in 37 C.F.R. § 1.17(t) in the amount of \$1410.00; and

(3) A statement that the entire delay between the date the claim was due under paragraph 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

As the requirements of 37 C.F.R. § 1.78(a) are believed to have been met, Applicants respectfully request acceptance of the priority claim. If any outstanding issues exist, the Examiner is invited to contact Applicants' attorney at the below-listed number.

The Commissioner is authorized to charge any additional fees, and to credit any refunds, to Deposit Account No. 07-2069.

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